

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RICHARD WILCOX,
RICHARD D. MORRIS, and
DEWEY STEVENSON,
on behalf of themselves and
all others similarly situated,

Case No. 3:09-CV-659

Plaintiffs,

vs.

ALTERNATIVE ENTERTAINMENT, INC. and
THOMAS BURGESS

Defendants.

PETITION FOR CLASS COUNSEL'S COSTS AND ATTORNEYS' FEES

NOW COME Plaintiffs, Richard Wilcox, Richard D. Morris, and Dewey Stevenson, by and through their attorneys, Hawks Quindel, S.C., Gingras, Cates & Luebke, S.C. and Axley Brynelson, LLP, and respectfully petition the Court for an award of costs and attorneys' fees as set forth below and on those grounds set forth in Plaintiffs' supporting Memorandum of Law and accompanying declarations of Attorneys William E. Parsons, Robert C. Gingras, Michael J. Modl, Larry Johnson, Douglas Phebus, and Jay Urban.

1. Class Counsel have negotiated the settlement of this FLSA collective action and Rule 23 class action on behalf of a class that includes approximately 2,000 individuals.

2. The settlement creates a common settlement fund of \$2.33 million. Plaintiffs petition for recovery of their costs and attorneys' fees in the amount of \$776,666.67, or 33.33% of the common settlement fund.

3. Under the terms of the fee agreements, Class Counsel are entitled to attorneys' fees in the amount of one-third of the common fund *plus actual costs*. Class Counsel have incurred approximately \$9,000.00 in costs to date, and will incur additional estimated costs of \$2,000. Instead of requesting a separate award of actual costs, however, Class Counsel agree that their costs may be absorbed into the combined thirty-three and one-third percent fees and costs request.

4. As set forth in greater detail in Plaintiffs' supporting Memorandum of Law and accompanying declarations, the requested award is consistent with the market rate for similar cases.

WHEREFORE, Plaintiffs respectfully request that the Court award costs and attorneys' fees as set forth above.

Respectfully submitted this 6th day of October, 2010.

HAWKS QUINDEL, S.C.

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CERTIFICATE OF SERVICE

I, Lyndsey M. Parent, certify that on October 6, 2010, the undersigned electronically filed the following documents with the Clerk of Courts, US District Court, Western District of Wisconsin, through the Court's ECF system, which will send notice via electronic filing to all counsel of record:

1. Petition for Class Counsel's Costs and Attorneys' Fees.
2. Memorandum of Law in Support of Petition for Class Counsel's and Attorneys' Fees.
3. Declaration of Michael J. Modl.
4. Declaration of William E. Parsons.
5. Declaration of Robert J. Gingras.
6. Declaration of Douglas J. Phebus.
7. Declaration of Richard B. McQuade, Jr.
8. Declaration of Larry Johnson.
9. Declaration of Jay Urban.

/s/ Lyndsey M. Parent
Legal Assistant